

AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 19, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-13541 - APPLICANT: NELLIS OWENS 48, LLC -
OWNER: KC PROPCO HOLDING I, LLC**

**** CONDITIONS ****

The Planning Commission (5-2/ds, bg vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. The parking area shall be re-striped to meet Title 19 requirements prior to the issuance of a Certificate of Occupancy for the building on this site.
2. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for the Pet Boarding use.
3. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. The business shall be reviewed one-year after the issuance of a business license in a public hearing before Planning Commission.
5. All dogs shall be kept indoors after 6:00pm daily.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Special Use Permit for a proposed Pet Boarding Establishment at 3223 North Rainbow Boulevard.

EXECUTIVE SUMMARY

The subject site was a former Child Care Center. It does not have direct access to Rainbow by an original condition of the Rezoning. The proposed facility will provide boarding for dogs only. The use will meet all base conditions of approval of the Special Use Permit. All pens will be enclosed so as not to create a noise or odor nuisance. The site was field checked and found to be deficient one parking space. The recommendation is for approval, subject to re-striping of the parking lot to meet Code requirements prior to the issuance of a Certificate of Occupancy.

BACKGROUND INFORMATION

A) Related Actions

- 03/04/87 The City Council approved a Rezoning from R-E (Residence Estates) to C-1 (Limited Commercial) on the subject site as part of a larger request (Z-0003-87). The Planning Commission and staff recommended denial.
- 08/26/05 The Child Care Center operations at the subject address ceased.
- 06/22/06 The Planning Commission voted 5-2/ds, bg to recommend APPROVAL (PC Agenda Item #36/ss).

B) Pre-Application Meeting

- 04/19/06 Submittal requirements for the Special Use Permit application were discussed, namely, the requirement for a Project of Regional Significance questionnaire to be completed and signed.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Net Acres: 0.51

B) *Existing Land Use*

Subject Property: Child Care Center (vacant)
 North: Single-Family Dwellings
 South: Retail Commercial
 East: Child Care/Preschool
 Office
 West: Retail Commercial

C) *Planned Land Use*

Subject Property: SC (Service Commercial)
 North: L (Low Density Residential)
 South: SC (Service Commercial)
 East: SC (Service Commercial)
 West: SC (Service Commercial)

D) *Existing Zoning*

Subject Property: C-1 (Limited Commercial)
 North: R-1 (Single Family Residential)
 South: C-1 (Limited Commercial)
 East: C-1 (Limited Commercial)
 O (Office)
 West: C-1 (Limited Commercial)

E) *General Plan Compliance*

The site is designated SC (Service Commercial) on the Centennial Hills Interlocal Land Use Plan Map of the Centennial Hills Sector Plan. A variety of retail, office and other commercial uses not having more intense general commercial characteristics are allowed by this use category. The Pet Boarding use is a permitted use in the existing C-1 (Limited Commercial) zoning district, which conforms to the SC (Service Commercial) designation.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Rural Preservation Overlay District		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance	X	

No special area plans, districts or trails are associated with the subject site. The proposal is considered to be a Project of Regional Significance affecting properties in unincorporated Clark County, as described below.

INTERAGENCY ISSUES

Pursuant to Ordinance No. 5477, the proposed project is deemed to be a “Project of Regional Significance,” triggered by the request for a Special Use Permit within 500 feet of the City’s boundary with unincorporated Clark County.

An Environmental Impact Assessment questionnaire was circulated to the affected Agencies and Entities for the mandated 15-day period. A summary of the comments received, including recommendation for mitigation measures is as follows:

- The Las Vegas Valley Water District determined that the project will not have a significant impact on the capacity of the District’s water supply system.
- The Regional Transportation Commission recommended that a bus stop loading pad be included on Rainbow Boulevard north of the project entrance where the current bus stop is located. The recommended design for the bus stop loading pad is Clark County Uniform Standard Drawing 234.2.
- The Flood Control Section of the City of Las Vegas Department of Public Works determined that the project area is within a FEMA Zone X, where Flood Insurance is not mandatory.
- The Sanitary Sewer Section of the City of Las Vegas Department of Public Works determined that the project will not have a significant impact on the wastewater collection system.
- The Metropolitan Police Department determined that there would be no significant law enforcement issues as a result of approval of the project.

The Planning Commission shall consider the Environmental Impact Assessment and the proposed mitigation measures prior to making a decision on the proposal.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required		Provided	
			Parking		Parking	
			Regular	Handicap	Regular	Handicap
Pet Boarding	4,738 SF	1/250 SF GFA	18	1	17	1
TOTAL			19		18	

The 18 existing on-site parking spaces provided do not satisfy the parking requirement for this use. The site was field-checked and determined not to comply with the submitted plans, which show 19 spaces. Parking on this site is required to be self-sufficient; therefore, if the lot cannot be re-stripped to meet requirements for the use, a Variance is required.

A2) Minimum Distance Separation Requirements

For the Pet Boarding use, Title 19.04 requires any outside pens adjacent to a residential parcel to be located a minimum of 50 feet from the parcel. The proposed Pet Boarding facility will not have any exterior pens, thereby meeting this requirement.

B) General Analysis and Discussion

- Zoning

The subject site is zoned C-1 (Limited Commercial), which allows the Pet Boarding use with an approved Special Use Permit. Base conditions of approval of the Special Use Permit are listed below.

- Use

Per Title 19.20, a Pet Boarding facility is defined as “a lot, building, premises or structure on which four or more household pets are kept regularly and for extended periods of time for the benefit of persons who do not reside on the premises. The term includes facilities that provide shelter, care, feeding, exercising, grooming or incidental medical care for household pets for remuneration or otherwise on a commercial basis.” Pet Boarding includes a kennel operation.

The applicant indicates that only dogs will be accepted for boarding at the proposed facility. All pens will be enclosed within the existing 4,738 square-foot building. The dogs will be allowed to exercise outside and will be leashed. No animals will be outside the building beyond normal business hours.

- Conditions

Title 19.04.050 requires certain base conditions to be met for approval of a Special Use Permit for the Pet Boarding use in the C-1 (Limited Commercial) District:

- (1) All animals shall be confined within an enclosed area or on a leash at all times.
- (2) Structures shall be designed to provide reasonable sound barriers and odor protection for adjoining properties.
- (3) Pens shall be screened from view from adjacent streets and adjoining properties.
- (4) Any exterior pens that are adjacent to a residential parcel shall be located a minimum of fifty feet from the parcel.
- (5) All operations and activities shall be in accordance with LVMC Title 7.

The applicant indicates that the proposed facility will be in compliance with each of these requirements.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Pet Boarding use at this location meets C-1 (Limited Commercial) District requirements, is compatible with the adjacent shopping area and appears to meet all base conditions of approval for the use. Any noise or odor will be confined to the interior of the building and will not be a nuisance to adjacent residential properties.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The existing building is 4,738 square feet, which is large enough to house a Pet Boarding operation. There is enough distance between the building and adjacent residential properties to mitigate noise. A field check indicated that the site is two spaces short of the requirement for this use. An adequate number of spaces must be provided, or a Variance to reduce the number of required spaces shall be necessary.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The site receives access from the adjacent shopping center, which has access to Rainbow Boulevard nearby. This design was by condition of the Rezoning for this property. In this area, Rainbow Boulevard is designated as an 80-foot Secondary Collector. The roadway and access are adequate in size to meet the needs of the proposed Pet Boarding use.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The subject site will be subject to regular inspection and will therefore not compromise the public health, safety, and general welfare, or the overall objectives of the General Plan.

PLANNING COMMISSION ACTION

The Planning Commission added conditions 4 and 5. Number 5 needs to be amended to say between 6:00 pm and 6:00 am. There was one speaker in opposition.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 37

SENATE DISTRICT 6

NOTICES MAILED 158 by City Clerk

APPROVALS 0

PROTESTS 0